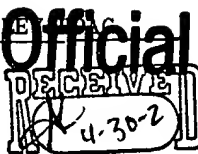


U.S.S.N. 09/465,436
Group Art Unit: 2172



#141
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

In re Application of: Midgley, et al.

APR 30 2000

Serial No.: 09/465,436

Group Art Unit: 2172

Technology Center 2100

Filed: December 16, 1999

Examiner: Shahid Al Alam

For: Systems and Methods for Backing Up
Data Files

Attorney Docket No.: NTK-005.01

CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. § 1.8(a)

I hereby certify that this correspondence is being transmitted by facsimile to the U.S. Patent and Trademark Office at facsimile number (703) 746-7239.

April 29, 2002
Date of Signature and of
Facsimile Transmission

Jeffrey Sears
Jeffrey Sears

RESPONSE

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In reply to the Office Action dated January 28, 2002, Applicants submit the following Amendment and Remarks.

Applicants' Attorney does not believe that any additional extension of time or any additional fees are required for consideration of this Response, beyond those which may otherwise be provided for in accompanying documents. Should any additional extension of time or additional fees be required for timely consideration of this Response, however, Applicants' Attorney hereby petitions for same and requests that the extension fee and any other fee required for timely consideration be charged to **Deposit Account No. 06-1448, Reference NTK-005.01.**

Further, Applicants' Attorney hereby authorizes the Commissioner to credit any

05/07/2002 WHEREBY 00000001 06/1448 00000000
Overpayment to **Deposit Account Number 06-1448, Reference NTK-005.01.**

01 FC:02 336.00 CH
02 FC:03 144.00 CH

U.S.S.N. 09/465,436
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AMENDMENT

IN THE DRAWINGS

Applicants submit corrected drawings for Figs. 1-7 and a corresponding Correction of Drawings to the Draftsman to address objections to the drawings made by the Draftsman.

IN THE SPECIFICATION

Applicants submit a substitute specification and a corresponding Submission of Substitute Specification to correct minor clerical errors.

IN THE CLAIMS

Please amend claims 1, 3, and 5. The claim amendments relate to consistency of terminology issues. The claim amendments are not related to patentability. Further, the claim amendments do not narrow the claims.

Please add new claims 6-28 as provided below.

Accordingly, claims 1-28 are now pending.

To satisfy the requirements of 37 C.F.R. § 1.121(c) and 37 C.F.R. § 1.52(a), all pending claims are presented below. A marked-up version of the claims showing the changes made to the claims follows the Remarks section of this Response.